

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LT. JOHN THOMAS BERRY,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 08-157-B-W
)	
LARRY COSTA, et al.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 10, 2008 her Recommended Decision. The Defendants filed their objections to the Recommended Decision on July 28, 2008 and the Plaintiff filed his response to those objections on August 11, 2008. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Motion to Dismiss (Docket # 5) be and hereby is DENIED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 13th day of August, 2008

Plaintiff

LT JOHN THOMAS BERRY

represented by **DAVID J. VAN DYKE**
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V.

Defendant

LARRY COSTA

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Defendant

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